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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 KEITH BAKER,
11 Plaintiff,
12 v.
13 STATE OF WASHINGTON DEPARTMENT
14 Defendant.

Case No. C08-5081 FDB/KLS

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

15 This civil rights action has been referred to United States Magistrate Judge Karen L.
16 Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Before the Court is
17 Plaintiff's motion for appointment of counsel (Dkt. # 1, Attachment # 2). Having reviewed the
18 motion, the Court finds, for the reasons stated below, that the motion should be denied.

19 There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983.
20 Although the court, under 28 U.S.C. § 1915(d), can request counsel to represent a party proceeding
21 *in forma pauperis*, the court may do so only in exceptional circumstances. *Wilborn v. Escalderon*,
22 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984);
23 *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires
24 an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to
25 articulate his claims *pro se* in light of the complexity of the legal issues involved. *Wilborn*, 789
26 F.2d at 1331.

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1 Plaintiff has not demonstrated that the issues involved in this case are complex. While
2 Plaintiff asserts that his imprisonment limits his access to legal resources and that he has limited
3 legal training, these are the same limitations faced by all pro se litigants. These are not exceptional
4 factors indicating that appointment of counsel is warranted. In addition, Plaintiff has also not
5 shown that there is a likelihood of success on the merits.

6 Accordingly, Plaintiff's motion to appoint counsel (Dkt. # 1, Attachment # 2) is **DENIED**.
7 The Clerk is directed to send copies of this Order to Plaintiff.

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9 DATED this 25th day of February, 2008.

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12 Karen L. Strombom
13 United States Magistrate Judge

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